THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1822 of 2007

06.2.2007

Between:

Sri Rameshji, S/o.Late Kishan
And others

... Petitioners

AND

The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District

... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1822 of 2007

ORDER:

The petitioners are statedly legal heirs of Kishan whose father was cultivating tenant of land admeasuring Acs.11.23 guntas in survey Nos.155 to 159 situated at Jalpally village of Saroornagar Mandal in Ranga Reddy District. It is their case that the grandfather of the petitioners, Nagoji, obtained a certificate of protected tenancy and after his death, petitioners' father, Kishan, was enjoying the property. The petitioners approached the respondent on 29.3.2006 requesting grant of succession to claim delivery of vacant possession. As the same was not disposed of, the present writ petition is filed.

Learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T) does not dispute that under Section 40 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (the Act, for brevity), Mandal Revenue Officer (MRO) has no jurisdiction to decide the question of succession. As held by this Court in **Syed Abdul Majeed v Joint Collector-II, Ranga Reddy District**[1], whenever a right is claimed by a person acquiring interest by succession, survivorship, inheritance, partition, purchase, gift or otherwise, the Tahsildar of the area has to enter such acquisition in the register of mutation and that while dealing with applications made under Rule 14 of the A.P. (Telangana Area) Tenancy and Agricultural Land Rules, 1950 (the Rules, for brevity), MRO cannot assume a role of adjudicator. Therefore, this Court observes that the respondent herein may forward the

application of the petitioners to the Officer concerned at the village level to take action, as per Rule 14 of the Rules. Except making such observation, no relief can be granted to the petitioners, as the respondent has no jurisdiction to grant succession.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

February 06, 2007.
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[1] 2006(5) ALD 348 = 2006(5) ALT 754